

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOKIA CORPORATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

APPLE INC.,

Counterclaim-Plaintiff,

v.

NOKIA CORPORATION and NOKIA INC.,

Counterclaim-Defendants.

C.A. No. 09-791 (GMS)

STIPULATION AND ORDER FOR AMENDED PLEADINGS

Plaintiff Nokia Corporation and Counterclaim-Defendants Nokia Corporation and Nokia Inc. (collectively, “Nokia”) and Defendant and Counterclaim-Plaintiff Apple Inc. (“Apple”) hereby stipulate and agree, subject to the approval of the Court, as follows:

WHEREAS, on October 22, 2009, Nokia filed its Complaint for patent infringement in this action for Apple’s alleged infringement of ten U.S. patents;

WHEREAS, on December 11, 2009, Apple filed its Answer, Defenses, and Counterclaims in this action claiming Nokia’s alleged infringement of thirteen U.S. patents;

WHEREAS, on December 29, 2009, Nokia filed a Complaint for patent infringement in a related action in this district (*Nokia Corp. v. Apple Inc.*, C.A. No. 09-1002 (GMS) (D. Del. Dec. 29, 2009)) (the “Delaware II case”) for Apple’s alleged infringement of seven U.S. patents;

WHEREAS, on December 29, 2009, Nokia also filed an ITC complaint for Apple's alleged infringement of the same seven patents asserted in Delaware II (*In re Certain Mobile Communications and Computer Devices and Components Thereof*, Investigation No. 337-TA-701);

WHEREAS, on January 15, 2010, Apple filed an ITC complaint (*In re Certain Mobile Communications and Computer Devices and Components Thereof*, Docket No. 337-TA-2707) for Nokia's alleged infringement of nine U.S. patents, including four of the same patents Apple previously asserted in its December 11, 2009 counterclaims in this action (the "Four Overlapping Patents");

WHEREAS, Apple intends to file counterclaims in the Delaware II case including counts alleging infringement by Nokia of the nine patents Apple asserted against Nokia in its ITC Action, including the Four Overlapping Patents;

WHEREAS, the parties agree that removing the Four Overlapping Patents from this action and asserting them as counterclaims in the Delaware II case with those asserted in the ITC Action will promote judicial economy; and

NOW THEREFORE, the parties hereby stipulate and respectfully request, subject to the approval of the Court, as follows:

1. Apple will amend Apple Inc.'s Answer, Defenses, and Counterclaims (D.I. 14) to dismiss the Four Overlapping Patents from this action and, at the same time, make any other amendments Apple deems appropriate pursuant to Fed. R. Civ. P. 15(a);
2. Apple shall file its amended pleading on or before February 19, 2010;
3. Nokia shall not file a response to Apple Inc.'s Answer, Defenses, and Counterclaims (D.I. 14);

4. Nokia shall have until March 11, 2010 to respond to Apple's amended pleading.

/s/ Jack B. Blumenfeld

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

*Attorneys for Plaintiff Nokia Corporation
and Counterclaim Defendants Nokia
Corporation and Nokia Inc.*

February 12, 2010
3392918

/s/ David E. Moore

POTTER ANDERSON & CORROON LLP
Richard L. Horwitz (#2246)
David E. Moore (# 3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
(302) 948-6000
rhorwirz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendant and Counterclaim
Plaintiff Apple Inc.*

SO ORDERED, this ____ day of _____, 2010.

UNITED STATES DISTRICT COURT JUDGE